

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Telephonic Hearings

All parties and counsel, including individuals not represented by counsel ("Pro Se Parties") may appear telephonically. Represented parties wishing to participate in the hearings should call in with their counsel on a single telephone line.

Dial-in Information

Teleconference Number: 1-888-684-8852  
Access Code: 7389051#  
Security Code: 8591#

**Until your case is called, please activate the mute button and do not place the call on hold** as it causes a disruption on the phone line and in the courtroom.

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Virtual Hearings

Please contact Ursula Hamilton by email [ursula\\_c\\_hamilton@ncwb.uscourts.gov](mailto:ursula_c_hamilton@ncwb.uscourts.gov) **not later than April 5, 2021 by 5:00 p.m.** to request the needed link, codes and dial-in information.

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For questions regarding telephonic or virtual hearings, please contact Judge Whitley's chambers at 704-350-7570 or email [whitley\\_hearings@ncwb.uscourts.gov](mailto:whitley_hearings@ncwb.uscourts.gov).

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**PLEASE SCROLL DOWN TO VIEW THE COURT CALENDAR  
FOR APRIL 6, 2021**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

TUESDAY, APRIL 6, 2021

9:30 a.m. (Telephonic Hearings)

- 1) 11 Osprea Logistics USA 21-30087 Status Conference (8); Pre-Status  
LLC Conference Report (46)

WRIGHT  
BOWERS, TR.

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- 2) 11 CMC Holding Corp. 06-31496 Hearing on Motion of the  
Administrator to Extend Liquidating  
Trust (270)

Hearing on Motion of the  
Administrator to Close Chapter 11  
Case (271)

WRIGHT

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- 3) 11 Redf Marketing, LLC 12-32462 Continued hearing on Motion of The  
Finley Group for Status Hearing or, in  
the Alternative, to Enforce Settlement  
Agreement and Settlement Order (672)

HOUSTON

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- 4) Adv. Matthew W. Smith, 20-3007 Continued hearing on Plaintiff's  
*Ch. 11 Trustee for* Ch. 11 Motion for Order Directing Mediation  
*BK Racing, LLC* 18-30241 (15)  
v.  
Nancy J. O'Haro

HOUSTON  
WOODMAN

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- 5) Adv. Matthew W. Smith, 20-3008 Continued hearing on Plaintiff's  
*Chapter 11 Trustee for* Ch. 11 Motion for Order Directing Mediation  
*BK Racing, LLC* 18-30241 (15)  
v.  
Lena Pitrelli

HOUSTON/BROWN  
WOODMAN

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- 6) Adv Matthew W. Smith 20-03009 3rd continued hearing on Defendant's  
v. Ch. 11 Motion to Compel (25/26); Plaintiff's  
Iowa City Capital 18-30241 Reply Brief (32); Defendant's Reply  
Partners, LC Brief Supporting its Motion to Compel  
(34)

3rd continued hearing on Plaintiff's  
Motion to Compel (27); Defendant's  
Objection (31)

2nd continued hearing on Plaintiff's  
Motion for Protective Order (33)

HOUSTON / BROWN / WRIGHT  
WEINER / CARLS

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- 7) Adv. Matthew W. Smith 20-3010 2nd continued hearing on Plaintiff's  
v. Ch. 11 Motion to Extend Pretrial Deadlines  
H.A.F. Real Estate I, LLC 18-30241 and for Scheduling Conference (11)  
H.A.F. Real Estate West, LLC

HOUSTON/BROWN  
BAYNARD

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- 8) Adv. Matthew W. Smith, 20-3014 Continued hearing on Plaintiff's  
*Chapter 11 Trustee for* Ch. 11 Motion for Order Directing Mediation  
*BK Racing, LLC* 18-30241 (15)  
v.  
Ronald C. Devine, et al.

HOUSTON / BROWN  
WOODMAN

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- 9) Adv. Matthew W. Smith, 20-3016 Continued hearing on Plaintiff's  
*Chapter 11 Trustee for* Ch. 11 Motion for Order Directing Mediation  
*BK Racing, LLC* 18-30241 (23)  
v.  
Brian Castel, et al.

HOUSTON  
DiMATTEO / WOODMAN

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- 10) Adv. Matthew W. Smith, 20-3057 Continued hearing on Plaintiff's  
*Chapter 11 Trustee for* Ch. 11 Motion for Order Directing Mediation  
*BK Racing, LLC* 18-30241 (10)  
v.  
Michael Diserveria, et al.

HOUSTON / BROWN  
DiMATTEO

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2:00 p.m. (Virtual Hearing)

11 Avivar Hospitality, LLC 20-30789

6th continued and final hearing on Motion of Access Point Financial for Adequate Protection or, in the Alternative, Relief from Stay (49/66); Debtor's Response (61); American Lending Center's Response (62); Reply in Support of Motion of Access Point Financial (106); Amendment to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Access Point Financial's Motion for Adequate Protection or, in the Alternative, Relief from Stay Including the Application of 11 USC 362(e) (185)

5th continued hearing on Motion of American Lending Center for Adequate Protection or, in the Alternative, Relief From Stay (104) Debtor's Objection (121); Limited Objection of Live Oak Banking Company (122); Substitution of Access Point Financial as Party in Interest to American Lending Center's Motion (137); Amended Objection of Live Oak Banking Company to American Lending Center's Motion (140); Debtor's Memorandum in Opposition to American Lending's Motion (141); Amendment to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Access Point Financial's Motion for Adequate Protection or, in the Alternative, Relief from Stay Including the Application of 11 USC 362(e) (185)

2nd continued Disclosure Statement hearing to consider when to set a hearing on First Amended Disclosure Statement and related deadlines; Disclosure Statement (98/100); First Amended Disclosure Statement (167)

2nd continued hearing on Debtor's Motion to Extend the Exclusive Period(s) for the Court to consider when to set a hearing on the First Amended Disclosure Statement, related deadlines, and any further extension of the exclusive periods (139)

Continued hearing on Objection of Access Point to Claim / Motion to Disallow Asserted Claim of Sterling Holdings, LLC (149)

Continued hearing on Motion of Sterling Holdings, LLC for *Ex Parte* Order to Extend Time to File Response to Claim Objection and to Continue Hearing Thereon (162/168)

Continued hearing on Motion of Access Point Financial for Appointment of Chapter 11 Trustee (188); Response of the Bankruptcy Administrator to Motion for Appointment of Chapter 11 Trustee and Request for Alternative Relief (203); Debtor's Objection to the Motion for Appointment of Chapter 11 Trustee (205)

WRIGHT  
ABEL, BA  
PETTIT  
ESSER  
WHELEHAN  
TARR/DRISCOLL

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